

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY ORDER OF
	:	<u>FORFEITURE/MONEY JUDGMENT</u>
-v.-	:	
	:	18 Cr. 339 (PAC)
DWIGHT FORDE,	:	
	:	
Defendant.	:	
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WHEREAS, on or about May 14, 2018 DWIGHT FORDE (the “defendant”), was charged, amongst others, in three counts of a five-count Indictment, 18 Cr. 339 (PAC) (the “Indictment”), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2(Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of the offense charged in Count Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense in Count Two of the Indictment, that the defendants personally obtained;

WHEREAS, on November 18, 2020, the defendant pled guilty to Count Two of the Indictment and admitted the forfeiture allegation, as to Count Two of the Indictment, pursuant to an plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count Two of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any

and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of the offense charged, including but not limited to a sum of money equal to \$50,000.00, representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Indictment that the defendant personally;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$50,000.00 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the defendant personally obtained; and

WHEREAS, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count Two of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys Nicholas W. Chiuchiolo and Robert B. Sobelman, of counsel, and the defendant, by and through his counsel, Matthew D. Myers, Esq., that:

1. As a result of the offense charged in Count Two of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$50,000.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment, that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, DWIGHT FORDE, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number and the United States shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payment on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 (e) of the Federal Rule of Criminal Procedure.


8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. A facsimile or electronic image of the original signature of any party executing this Consent Preliminary Order of Forfeiture/Money Judgment shall be deemed an original signature and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

AGREED AND CONSENTED TO:

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York  
Attorney for United States

By:

  
\_\_\_\_\_  
NICHOLAS W. CHIUCHIOLO  
ROBERT B. SOBELMAN  
Assistant United States Attorneys  
One Saint Andrew's Plaza  
New York, NY 10007  
Office: (212) 637-1247/2616  
Fax: (212) 637-0084

\_\_\_\_\_  
11/18/20

DATE



DWIGHT FORDE  
Defendant

By e-signature - Dwight Forde  
DWIGHT FORDE

3/3/21  
DATE

By: M. Myers  
Matthew D. Myers, Esq.  
(Counsel for the Defendant)  
Myers & Galiardo LLP  
405 Lexington Avenue, 64th Floor  
New York, New York 10174  
matthewmyersesq@gmail.com

3/3/21  
DATE

SO ORDERED:

Paul A. Crotty  
HONORABLE PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

3/4/2021  
DATE